

**2007 Changes
to Uniform Fine Bail Schedule
Recommended by
Uniform Fine and Bail Committee**

May 3, 2007

**2007 Changes to Uniform Fine Bail Schedule Recommended
by Uniform Fine and Bail Committee**

May 3, 2007

H.B. 22 - Motor Vehicles Code Revisions

41-6a-401 Accident involving injury, death, or property damage
Separates the obligations of drivers involved in accidents into three separate sections. §41-6a-401.3, accidents involving injury; §41-6a-401.5, accidents involving death; and §41-6a-401.7, accidents involving injury, death or property damage.

Recommended changes to paper bail schedule and master offense table.

Repeal 41-6a-401(1) Failure to remain at scene of accident/personal injury/death

41-6a-401(1b) Failure to remain at scene of accident is changed to Failure to remain at scene of accident - damage only. MB

Court mandatory? = Yes

Bail Amount = \$555

41-6a-401(2a) Failure to give name and assistance is changed to 41-6a-401(2a) Failure to give name-damage only . No change in severity or bail amount.

Court mandatory? = Yes

Bail Amount = \$555

41-6a-401(3) Failure to report a reportable accident is changed to 41-6a-401(3) Failure to report a reportable accident-damage > 1,000. No change in severity or bail amount.

Court mandatory? = Yes

Bail Amount = \$555

41-6a-401(5) Failure to report accident with unattended vehicle is changed to 41-6a-401(4) Failure to report accident with unattended vehicle -damage only. No change in severity or bail amount.

Court mandatory? = Yes

Bail Amount = \$555

Recommendations: Add the following to the paper bail schedule and master offense table.

41-6a-401.3(1) Failure to remain at scene of accident-injury. MA.; \$750 min. fine

Court mandatory? = Yes

Bail Amount = \$750 min. fine

41-6a-401.5(1) Failure to remain at scene of accident-death. MA.; \$750 min. fine

Court mandatory? = Yes

Bail Amount = \$750 min. fine

41-6a-401.7(1) Failure to give name and assistance -injury or death. MB;

Court mandatory? = Yes

Bail Amount = \$555

41-6a-401.7(2) Failure to report a reportable accident -injury or death. MB;

Court mandatory? = Yes

Bail Amount = \$555

41-6a-401.7(3) Failure to report accident - operator incapacitated. MB;

Court mandatory? = Yes

Bail Amount = \$555

41-12a-302 No insurance

Provides that in sentencing for driving without insurance, a court may suspend up to \$300 of the mandatory fine for the offense if the defendant shows proof of having obtained insurance prior to sentencing

Recommendation: Add following to paper bail schedule: Up to \$300 may be waived upon proof of insurance obtained after violation, but before sentencing. Add to master offense table.

H.B. 31 - Driver License or Identification Card Requirement for Sex Offenders

53-3-806.5 Sex offender failure to obtain a identification card if no driver license. MA

Sex offender under Utah Code Ann. § 77-27-21.5 without a current driver license must obtain a state ID

Recommendation: Add to master offense table only.

H.B. 100 - Accessing Pornography on School Property

76-10-1234 Accessing pornographic or indecent material on school property MA

Recommendation: Add to paper bail schedule. Add as MB on juvenile court bail schedule for persons under 18 . Add to master offense table.

H.B. 135 - Utah Uniform Building Standards Act Amendments MA

58-56-9.1 Unlawful Conduct

Recommendation: Do not add to paper fine bail schedule. Add as an MA to master offense table.

H.B. 194 - Tampering with Evidence Amendments MA

76-8-510.5 Tampering with Evidence

Recommendation: Do not add to paper fine bail schedule. Change default severity in master offense table to MA.

H.B. 205 - Public Demonstrations at Funerals MB

76-9-108 Disrupting a Funeral or Memorial Service

Recommendation: Add to paper fine bail schedule and master offense table.

Court mandatory? = Yes

Bail Amount = \$555

H.B. 207 - School Truancy and Compulsory Education Amendments

53a-11-101.5 Compulsory education MB

Clarifies compulsory education code that requires a parent to enroll a school age child in school and make reasonable efforts to ensure the child attends. Applies to parents of children under 14; requires school to provide certified or personal delivery notice; requires parent to respond to request from school to resolve attendance problem. Failure to do so is a class B misdemeanor.

Recommendation: Add to paper fine bail schedule. Expire 53a-11-101 and add 53a-11-102 as a MB in master offense table. Add to Juvenile Court Fine Bail Schedule.

Court mandatory? = Yes

Bail Amount = \$555

H.B. 242 - Medicaid False Claims Act Amendments

26-20-5 False statements or false representations relating to qualification of health institution or facility prohibited - Felony F2
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 265 - Obstructing a Warrant or Order to Show Cause of a Parolee or Probationer

76-8-306.5 Obstructing service of a Board of Pardons' warrant or F3
probationer order to show cause
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 279 - Camcorder Piracy of Media

13-10b-201 Unlawful recording of a motion picture MA (first offense)
Makes to unlawful to operate any audio visual recording device while a motion picture is being shown in a theater without consent of the theater owner.
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 315 - Regulation of Electric Personal Assistive Mobility Devices

41-6a-1116 Electric Personal Assistive Mobility Devices
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 340 - Insurer Receivership Act (pages 96-110).

31A-27a-110 Failure to cooperate with insurance commissioner or receiver MB
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 354 - Bus Passenger Safety Act Amendments

76-10-1504(4)(A) Boarding bus with concealed dangerous weapon
Recommendation: Do not add to paper fine bail schedule.
Change default severity from F2 to F3 in master offense table.

H.B. 375 - Sex Offender Restrictions

76-9-702 Lewdness- Sex Offender MA
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

76-9-702.5 Lewdness Involving a Child - Sex Offender MA
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

77-27-21.7 Violation of Sex Offender Restrictions MA
Recommendation: Do not add to paper fine bail schedule. Add to master offense table.

H.B. 463 - Crime of Claiming Military Award by Nonrecipient

76-9-706 False representation of military award MC
Recommendation: Add to paper fine bail schedule. Add to master offense table.
Court mandatory? = No Bail Amount = \$270

S.B. 17 - Traffic Code Amendments

41-6A-804(1)(B) Failure to signal for 3 seconds

Recommendation: No change to paper fine bail schedule. Change description in master offense table to read "Failure to signal for two seconds"

41-6a-1715 Careless driving MC

Committing two or more traffic violations within a continuous period of driving;
Committing one traffic violation (except speeding) while being distracted by something within the car including using a cell phone or other electronic communications device; searching for an item in the car, or attending to personal hygiene or grooming.

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = No

Bail Amount = \$270

S.B. 44 - Scrap Metal Transactions

76-10-907 Junk Dealer's Record of Sales/Purchases

Recommendation: Do not add to paper fine bail schedule.

Remove "Junk" from the description; change from MB to MC in master offense table.

S.B. 52 - Health Regulations for Public Indoor Tanning Beds

26-15-13 Failure to comply with tanning facility regulations MC

Facility owner shall not allow a person younger than 18 years of age to use a tanning facility unless the minor's parents or guardian provide in person and written consent.

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = No

Bail Amount = \$270

S.B. 75 - Advance Health Care Directive Act

75-2a-1117(1) Illegal destruction/falsification of health care directive MB

Recommendation: Do not add to fine bail schedule. Add to master offense table.

S.B. 92 - Revised Uniform Anatomical Gift Act

26-28-116 Illegal sale or purchase of parts F3

Recommendation: Do not add to fine bail schedule. Add to master offense table.

26-28-117 Falsify or otherwise tamper with document of a gift F3

Recommendation: Do not add to fine bail schedule. Add to master offense table

S.B. 112 - Methamphetamine Precursor Access Amendments

58-37c-20.5(6) Illegal release or modification of pseudoephedrine log MB

Recommendation: Do not add to fine bail schedule. Add to master offense table

58-37c-20.5(7) Purchase more than 9 grams ephedrine, pseudoephedrine, MB
phenylpropanamine (PPA) w/in 30 days.

Recommendation: Add to fine bail schedule. Add to master offense table

Court mandatory? = Yes

Bail Amount = \$555

S.B. 138 - Administrative Rule Criminal and Civil Penalty Amendments

Recommendation: To paper bail schedule:

Add 65A-3-1(1)(g) Camping on navigable lake or river bed. MB

Court mandatory? = No

Bail Amount = \$555

Add 65A-3-1(2) Unlawful motor vehicle use, camping or picnicing on Bear Lake exposed lake bed. MC. Renumber 65A-3-1(1a)- 65A-3-1-iaiv).

Court mandatory? = No

Bail Amount = \$270

In master offense table, expire 65A-3-1-(1)(A)(I) and add each offense to match.

S.B. 154 - Statement Under Penalty of Perjury

54-5-101 Making false written statement under oath MB

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = Yes

Bail Amount = \$555

S.B. 140 - Identity Fraud Amendments

76-6-1102 Identity Fraud

F3 if <\$5,000; F2 if +> \$5,000

Recommendation: Do not add to paper fine bail schedule. Already in master table.

S.B. 166 - Notary Public Amendments

46-1-11 Insufficient Notarial Notice

MB

Recommendation: No change to paper fine bail schedule or master offense table.

S.B. 173 - Criminal Intent Amendments

40-1-11 Interfering with notices, stakes or monuments MB (Fine of not less than \$25 nor more than \$100.)

Recommendation: Add to paper fine bail schedule and master offense table.

Court mandatory? = Yes

Bail Amount = \$185

41-1a-1309 Boarding with intent to commit criminal mischief. MC

Recommendation: Add to paper fine bail schedule. Already in master offense table.

Court mandatory? = Yes

Bail Amount = \$270

S.B. 192 - Service Animals

62A-5b-106(1) Interfering with the rights of a disabled person MC

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = No

Bail Amount = \$270

62A-5b-106(2) Service animal misrepresentation MB

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = No

Bail Amount = \$270

S.B. 205 - Alcoholic Beverage Control Amendments

32a-12-209.5 Unlawful admittance/attempt by minor MC

Recommendation: Add to paper fine bail schedule. Add to master offense table.

Court mandatory? = No

Bail Amount = \$270

S.B. 255 - Crane Safety Amendments

58-55-504 Failure to certify as a crane operator

MA

Recommendation: Do not add to paper fine bail schedule. Already in master offense table.

Other Bail Schedule Changes

41-6a-1601 Faulty equipment offenses

Recommendation: 41-6a-1601 Change reference from 14 days to 20 days as the time in which a clerk may dismiss charges for an automotive mechanical deficiency after the deficiency has been corrected per CJA 04-704. Authority of court clerks to extend payment schedule and dismiss citations.

72-6-114 Fail to observe barricade MB

Recommendation: Add to paper fine bail schedule. Determine appropriate bail amount. Court mandatory? = No Bail Amount = \$555

41-6a-604 Speeding in a school zone

Recommendation: Make this court mandatory because of the way the statute reads.

Wildlife Resources Changes

1. Add listing for Class B misdemeanor offense of "Fishing With Two Poles Without A Valid Two Pole License" with a fine/bail amount of \$74. See Utah Code sec. 23-19-1.

2. Change current listing to split fine/bail amount for Class B misdemeanor offense of "Allowing Wildlife to Waste or Spoil" as follows: Big game = \$555. Small game = \$185. See Utah Code sec. 23-20-8 and line 42 of bail schedule.

3. Add listing for Class C misdemeanor offense for "Hunting Migratory Birds without HIP registration." Fine/bail amount = \$50, to be dismissed upon proof of registration. See Utah Admin. Rules R657-9.

4. Add listing for Class B misdemeanor offense for "Unlawful Taking of Protected Wildlife While Trespassing." Fine/bail amount as follows: Big game = \$555. Small game = \$231. See Utah Code sec. 23-20-3.5.